

Rick Knighton <Rick.Knighton@normanok.gov> Wed, Feb 24, 2010 at 9:11 AM

To: Requester

Cc: Sandy Keating <Sandy.Keating@normanok.gov>, Brenda Hall <Brenda.Hall@normanok.gov>, Jeff Bryant <Jeff.Bryant@normanok.gov>

1. Please indicate whether the City possesses any internal policy or procedure, or municipal ordinance, that prohibits discrimination specifically based on sexual orientation or gender identity. If so, please provide a copy of same for my inspection.

2. Please indicate whether the City possesses any policy or procedure, or municipal ordinance, that prohibits employment discrimination in the general public specifically based on sexual orientation or gender identity. If so, please provide a copy of same for my inspection.

The City's Ordinances regarding discrimination are set forth in Chapter 7 of the City's Code. Civil Rights. Chapter 7 does not specifically mention "sexual orientation" or "gender identity." However, at least one federal circuit has held that Title VII's prohibition against discrimination based on sex applies when the motivation for alleged harassment is based on sexual orientation. *See Rene v. MGM Grand Hotel, Inc.*, 305 F.3d 1061 (9th Cir. 2002). While Chapter 7 of the City's Code has not been construed to prohibit discrimination based on sexual orientation or gender identity, a court may find *Rene* persuasive if presented with the issue.

The City also has a harassment policy which governs employee conduct. While I am not sure whether your request is concerned with policies that govern employee conduct, I will forward you a copy of the City's harassment policy if you are interested. However, similar to Chapter 7, the City's harassment policy does not include the terms "sexual orientation" or "gender identity."

If you have any additional questions, feel free to contact me.

Thanks,

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